

MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL  
CITY OF BEE CAVE  
September 24, 2013

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**Present:**

Zelda Auslander, Council Member  
Steve Braasch, Mayor Pro Tem  
Michelle Bliss, Council member  
Bill Goodwin, Council Member  
Kara King, Council member

**Absent:**

Caroline Murphy, Mayor

**City Staff:**

Travis Askey, Assistant City Manager  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Lindsey Withrow, Director of Planning and Development  
Katherine Griffin, Director of Finance  
Barbara Hathaway, Library Director  
Stephen Myrick, Building Official  
Russell Pancoast, Chief of Police

**Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Pro Tem Braasch at 6:00 p.m. on Tuesday, September 24, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments.**

Tony Crossly, 5607 Great Divide, asked that the Council not to rezone the Field of Dreams.

Scott Crunk, 15513 Spillman Ranch Loop, stated that he is the current Executive Director of LTYA and then spoke about the history of LTYA. He said that they need more fields and asked the Council to help them find a solution.

Greg Buck, 14420 American Kestrel, asked council to consider all the options on a letter dated August 5<sup>th</sup> to the Council.

Eric Storm, 3905 Vail Divide, stated they are in desperate need of new fields. They do not have potable water at the Field of Dreams. They want to help and be part of the solution.

Stephanie Droman, 13509 Overland Pass, asked that the zoning not be changed on the Field of Dreams. Changes would affect their quality of life in the Homestead.

Liesel Krach, 13421 Overland Pass, asked that the Council not rezone the Field of Dreams. Residents should not foot the bill for new fields.

Melissa Witek, 5900 Ottenhome Drive, asked that the zoning for the Field of Dreams remain Public.

Trent Chastain, 1500 Hurst Creek, stated the LTYA needs new fields.

Michelle Williams, 13500 Saddleback Pass, stated that the comp plan was created to protect our small town. Residents should not pay for a new state of the art sports complex.

Karen Winslow, 6600 Stage Slope Circle, asked that the zoning for the Field of Dreams remain Public.

Dave Ginger, 5000 High Canyon Pass, stated that his property looks down on the Field of Dreams and that he enjoys watching the kids play. He asked that the Field of Dreams remain zoned Public.

Ben King, 16005 Snowdonia Cove, asked the Council to follow the Comprehensive Plan. He stated that he was not in favor of re-zoning of the Field of Dreams. He commented that 25% of the families that play with LTYA are from Bee Cave so there are other stakeholders involved.

Scott Bernstein, 1908 Sea Eagle, Lake Pointe, stated that fear should not be instilled in residents that bigger fields will bring more crimes. LTYA needs more fields.

Megan Campbell, 3600 Wellspring Drive, stated that LTYA needs more fields. She commented that she was speaking in support of finding a solution to build new fields.

Loana Lopez, 15307 Barne Drive, Lakeway, stated that they she was supporting LTYA to find new fields.

Terry Mitchell, 5400 Great Divide, thanked LTYA for building the youth association. She stated that the Field of Dreams should remain Public. LTYA's problems are theirs to solve.

Pam Welborn, 13504 Couri Pass, stated that she understands that LTYA needs more facilities. Why not keep the old ones and build new ones somewhere else.

John McGraham, 19215 White Horse Cove, asked that the Field of Dreams remain Public.

Cliff Braddock, 13305 Lone Rider Trail, stated that the Comprehensive Plan needs to be followed. City should not be asked to provide resources for LTYA.

Veronica Putney, 13308 Overland Pass, stated that she likes what LTYA does for children. Field of Dreams should remain Public.

Carroll Killebrew, speaking for Dean Appling, 13105 Round Top Circle, asked the Council to resist changing the zoning of Field of Dreams.

Doug Sullivan, 5600 Stage Stop Circle, stated that his property looks over the Field of Dreams and that he was not in favor of changing the zoning of the property.

Glen Smith, 15216 Spillman Ranch, stated that he is the Vice President of LTYA and that they need the Council's help. The City of Lakeway and the County has agreed to help and they are still waiting on the support of Bee Cave. They need more fields for the children.

John Colman, 5201 Great Divide, stated that he was against the re-zoning of the Field of Dreams.

Janet Bied, 4520 Pyrenees Pass, stated that she did not support the re-zoning of the Field of Dreams.

Bob Fonseca, 17112 Rush Bead Circle, stated that the current LTYA facilities were uncomfortable and that he hoped they could work together to create a solution.

Duncan McGhee, 5101 Gillians Walk, asked the Council to stick with the Comprehensive Plan. The kids need a place to play but the Field of Dreams should not be rezoned.

Carroll Killebrew, 5410 Great Divide, reminded the Council that they represent the citizens of Bee Cave. He stated that the Field of Dreams should remain public.

Peter Maddux, 225 Nevelwood, asked that the community work together. He stated that the LTYA was open to consider options.

Mike Murphy, 4010 Lochwood Bend, stated that he did not want this to become adversarial. He stated that he would like to give the LTYA a reasonable use on the property but threatening the City was not a good course of action.

The City Council recessed the meeting at 7:23 p.m. and reconvened in the Council Chambers at 7:31 p.m.

Council Member Goodwin was not at the dias.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on September 10, 2013.
- B. Consider approval of minutes of the Special Session conducted on September 18, 2013.
- C. Consider approval of the monthly investment and financial reports.
- D. Proclamation recognizing National Night Out on October 1, 2013.

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member King, to approve consent agenda items A, B & C.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Mayor Murphy and Council Member Goodwin

The motion carried.

Council Member Goodwin returned to the dias.

Mayor Pro Tem Braasch read the Proclamation for National Night Out.

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member Bliss, to approve consent agenda item D.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King  
Voting Nay: None  
Absent: Mayor Murphy

The motion carried.

**Second public hearing regarding the intent of the City of Bee Cave to annex into the city limits approximately 58.441 acres of land which is generally situated east and west of highway 620 just north of the current city limits of the City of Bee Cave and across from Home Depot subdivision.**

Director of Community Services Lindsey Withrow reported on this item.

Mayor Pro Tem Braasch called the public hearing to order at 7:35 p.m.

Mark Helmueller, General Counsel for Bee Cave Office Park, LLC, asked about the zoning of the property and stated that the Agriculture Use would not work for the property. He requested that the zoning become commercial and be simultaneous with the annexation.

City Attorney Patty Akers stated that she doubted the zoning would be commercial. She stated that any use that is in existence prior to the annexation is a grandfathered use.

With no other persons wishing to speak, the public hearing closed at 7:38 p.m.

**Discuss and consider action on the site and NPS plan and variance from posting fiscal security for the WTC-PUA State Highway 71 20 inch Transmission Main Project that is located on Highway 71 between Uplands Ridge and Southwest Parkway.**

Dennis Lozano with Murfee Engineering reported on this item.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member King, to approve the site and NPS plan and variance from posting fiscal security for the WTC-PUA State Highway 71 20 inch Transmission Main Project including the applicant agrees to send a letter to the Upland residents by mail, well in advance of the project, informing them of the scope of the project and the time table with a copy to the HOA President.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay:	None
Absent:	Mayor Murphy

The motion carried.

**Discuss and consider action on an Election Agreement between Travis County and the City of Bee Cave.**

City Secretary Kaylynn Holloway presented this item.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member Auslander, to approve the election agreement between Travis County and the City of Bee Cave.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay:	None
Absent:	Mayor Murphy

The motion carried.

**Executive Session:**

The City Council closed the Open Session at 8:08 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Pro Tem Braasch publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding Groundwater District litigation with Texas Commission on Environmental Quality.
- B. Discussion regarding possible acquisition of land for municipal purposes.

The City Council closed the Executive Session at 9:30 p.m. and reconvened in Regular Session in the Council Chambers.

**Adjournment.**

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem Braasch, Council Members Auslander, Bliss, Goodwin and King
Voting Nay:	None
Absent:	Mayor Murphy

The motion carried.

The City Council adjourned the meeting at 9:30 p.m.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary